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[Additional counsel on signature page.]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANDREW PANDOLFI and MANDI
SHAWCROFT, individually and on behalf of
all others similarly situated;

Plaintiffs,

v.

AVIAGAMES, INC.; VICKIE YANJUAN
CHEN; PING WANG; ACME, LLC;
GALAXY DIGITAL CAPITAL
MANAGEMENT, L.P.; and OTHER
UNNAMED CO-CONSPIRATORS;

Defendants.

Case No. 3:23-cv-05971-EMC

**UNOPPOSED JOINT MOTION FOR
ORDER PERMITTING DEFENDANTS
GALAXY DIGITAL CAPITAL
MANAGEMENT, L.P. AND ACME, LLC TO
APPEAR BY ZOOM OR TELEPHONE AT
THE JULY 11, 2024 MOTION HEARING**

Date: July 11, 2024
Time: 1:30 P.M.
Dept: Courtroom 5 – 17th Floor
Judge: Hon. Edward M. Chen

Date Filed: November 17, 2023
Trial Date: None set

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Local Rule 7-11, Rule 2 of the Court’s Civil Standing Order, and the Court’s Hearing Scheduling Notes effective June 1, 2024, Defendants Galaxy Digital Capital Management, L.P. (“Galaxy”) and ACME, LLC (“ACME”) respectfully move for the entry of an Order granting leave for counsel for Galaxy and counsel for ACME to appear remotely via Zoom or telephone at the July 11, 2024 hearing in this matter.

On February 5, 2024, defendants AviaGames, Inc., Vickie Yanjuan Chen, and Ping Wang (the “Avia Defendants”) filed a Motion to Compel Arbitration. ECF 73. Neither Galaxy nor ACME took any position on the Avia Defendants’ Motion to Compel Arbitration.

The Court conducted a hearing on the Avia Defendants’ Motion to Compel Arbitration on March 28, 2024 via Zoom, which counsel for Galaxy and counsel for ACME attended. On May 21, 2024, the Court ordered supplemental briefing on Avia’s Motion to Compel Arbitration (ECF 113), and thereafter scheduled the upcoming supplemental hearing on that motion for July 11, 2024 (ECF 122).

There is good cause to permit counsel for Galaxy and counsel for ACME to appear remotely at the July 11, 2024 supplemental hearing. Lead counsel for Galaxy is located in New York, New York; and lead counsel for ACME is located in Washington, D.C. Accordingly, to attend the supplemental hearing in person, counsel for Galaxy and counsel for ACME would need to incur significant time and expense to travel to the Courthouse, which could be avoided if they could attend the proceeding remotely.

Additionally, although Galaxy and ACME have taken no position on the Avia Defendants’ Motion to Compel Arbitration, and do not expect to substantively participate in the supplemental hearing, Galaxy and ACME intend to observe the proceeding, which may bear on matters relevant to the case more broadly. Additionally, Galaxy and ACME believe it would be beneficial to the parties and the Court that they be available to discuss any matters concerning general case management, discovery, or scheduling, should they arise.¹ Because Galaxy’s and ACME’s remote attendance should not interfere

¹ Plaintiffs filed their operative First Amended Complaint (“FAC”) on April 1, 2024. On April 22, 2024, Galaxy and Acme each filed motions, pursuant to Rule 12, to dismiss the FAC with prejudice. ECF 109

1 with the Court's supplemental hearing on the Avia Defendants' Motion to Compel Arbitration, and
2 considerations of travel time and expense strongly favor having counsel for Galaxy and ACME appear
3 remotely, Galaxy and ACME respectfully request the entry of an Order permitting them to appear via
4 Zoom or telephone at the supplemental hearing on July 11, 2024.

5 Galaxy and ACME conferred in good faith with counsel for Plaintiffs and the Avia Defendants
6 prior to filing this motion, and no party has any objection to Galaxy's and ACME's instant motion to
7 appear via Zoom or telephone at the July 11, 2024 supplemental hearing.
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10 *[Signatures on following page]*
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27 (Galaxy); ECF 107 (Acme). Galaxy's and Acme's motions to dismiss have been fully briefed. On May
28 21, 2024, the Court adjourned the June 24, 2024 hearing date on the defendants' motions to dismiss for
a date to be determined following the resolution of the Avia Defendants' Motion to Compel Arbitration.
ECF 73.

1 Dated: June 27, 2024

Respectfully submitted,

2
3 /s/ Jennifer S. Windom

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/s/ Jason Gottlieb

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*Counsel for Defendant Galaxy Digital
Capital Management, L.P.*

17 **ATTESTATION**

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19 In accordance with Civil Local Rule 5-1(i)(3), I attest that each of the signatories have
20 concurred in the filing of this document.

21 Dated: June 27, 2024

By: /s/ Jason Gottlieb

22 Jason Gottlieb